

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)	
)	Docket No. 04-SPPE-01
Application for A Small Power Plant)	
Exemption for the Riverside Energy)	
Resource Center (RERC))	
_____)	

Energy Commission Staff's Pre-Hearing Conference Statement

On June 14, 2004, the Committee assigned to this proceeding issued a Notice of Prehearing Conference. In that document, the Committee requested parties to file Prehearing Conference Statements by June 21, 2004. Energy Commission staff hereby files the following in response to the information requested in the Notice.

All topic areas are complete and ready to proceed to evidentiary hearings, with the possible exception of Air Quality. Staff is still waiting for a final letter from the South Coast Air Quality District confirming that the NOx offsets provided by the applicant are sufficient and confirming that the district will provide the applicant with the necessary SO2, VOC, CO and PM10 offsets from its community bank. Staff is also waiting for the applicant to finish rerunning the model for PM10 construction impacts, but is fairly confident that the results will show less than significant impacts. Assuming that these two matters are resolved in an expeditious manner, staff is not aware of any specific dispute that would prevent the project from being exempt from the Commission's certification process. Staff has concluded that with the conditions of exemption identified in the Final Initial Study no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility. Staff has not yet received the other parties' testimony (nor have they received staff's final testimony) and thus cannot conclusively determine if there are any areas subject to dispute. Staff has worked closely with the applicant and other interested agencies and believes that there will not be any significant disputes among these parties regarding staff's Final Initial Study or the concomitant Conditions of Exemption. Based upon

questions raised at the Draft Initial Study workshop, it is likely that Concerned Unions for Responsible Energy (CURE) will take issue with the analyses in several topic areas including air quality and water quality. For those technical areas where there is no dispute over staff's testimony by the applicant or any other party, staff is willing to enter into the record by declaration staff's testimony as contained in the Final Initial Study.

Because CURE has requested live testimony in these topic areas, staff will be prepared to present the following witnesses:

Air Quality – Will Walters

Noise and Vibration – Shahab Khoshmashrab and Steve Baker

Biological Resources – Melinda Dorin

Hydrology and Water Quality – Tony Mediati

Hazardous Materials Management – Geoff Lesh and Rick Tyler

Energy Resources – Kevin Robinson and Steve Baker

Socioeconomics – Joseph Diamond and Dale Edwards

Because CURE did not identify these topic areas in their Prehearing Conference Statement, staff proposes that the following testimony be admitted into the record by declaration:

Agriculture and Soil Resources – Tony Mediati

Cultural Resources – Dorothy Torres

Geology, Mineral Resources, and Paleontology – Dal Hunter

Land Use – Amanda Stennick

Public Health – Obed Odoemelam

Traffic and Transportation – David Flores

Transmission Line Safety and Nuisance – Obed Odoemelam

Transmission System Engineering – Sudath Arachchige, Demy Bucaneg, Al McCuen

Visual Resources – Mark Hamblin

Waste Management – Ellie Townsend-Hough

Worker Safety -- Geoff Lesh

The exact testimony of these witnesses, including their qualifications and declarations, is currently scheduled to be filed on July 29, 2004 as part of staff's Final Initial Study. That document will constitute the entirety of staff's exhibits and should not deviate significantly from the Draft Initial Study, except in those areas where information was outstanding at the time of the Draft Initial Study's issuance or where staff modified provisions due to concerns expressed by the Applicant or CURE. Staff reserves the right to augment our list of proposed exhibits and request direct and cross examination in those areas in which staff's testimony is disputed. Because the full extent of any such disputes is unknown at this time, staff cannot provide an estimation of how long such direct or cross examination would take. However, on average, staff requires approximately 15 minutes to present its direct testimony in a given topic area and requests approximately 30 minutes to cross-examine.

Due to the extensive list of exhibits submitted by CURE, most of which had not been previously identified in this proceeding, staff respectfully requests that CURE docket and provide staff copies of those exhibits that are not readily available on the internet or are not otherwise easily obtained.

With respect to hearing dates, staff only requests that hearings take place at least 7 days after the electronic submittal of each parties' testimony. This is the minimum amount of time staff would need to review the testimony and prepare for hearings. At this time staff does not foresee the need to brief any matters; however, if the Committee determines that briefing is needed, staff respectfully requests that the Committee allot at least 7 business days (to commence after the hearing transcripts have been made available to the parties), respectively, for the submittal of opening and any reply briefs.

DATED: July 21, 2004

Respectfully submitted,

LISA M. DECARLO
Staff Counsel